

From: [Nazar, Kristen](#)
To: [Cooperman, Jonathan](#); [Wilmarth, Catherine](#)
Cc: [Guerry, William M.](#); [Hoefer, David](#)
Subject: RE: EPA Inspection Start Time of 9AM for Big Ox
Date: Tuesday, February 14, 2017 7:55:00 PM
Attachments: [image001.png](#)
[image002.png](#)

Jon,

Thank you for the heads up- I will let the inspector know. Of course, EPA reserves its right to take any enforcement action with respect to any violations of the CAA or any other applicable law.

Thank you,

Kristen Nazar
Attorney, Office of Regional Counsel
United States Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219
(913) 551-7450

From: Cooperman, Jonathan [mailto:JCooperman@KelleyDrye.com]
Sent: Tuesday, February 14, 2017 5:27 PM
To: Nazar, Kristen <Nazar.Kristen@epa.gov>; Wilmarth, Catherine <CWilmarth@KelleyDrye.com>
Cc: Guerry, William M. <WGuerry@KelleyDrye.com>; Hoefer, David <Hoefer.David@epa.gov>
Subject: RE: EPA Inspection Start Time of 9AM for Big Ox

Kristen,

Thank you for your email and for your agreement that the inspection can occur at 9 am tomorrow.

As to documents, we discussed that the majority of categories of documents requested yesterday are either (i) duplicative of documents that have already been produced in response to our six responses to EPA information requests, (ii) duplicative of requests contained in EPA information requests where response are not due for another few weeks or (iii) requests that are facially outside the scope of EPA jurisdiction. We have been cooperating since December with EPA information requests and repeatedly have requested a meeting where questions can be answered and issues resolved so that our client can avoid multiple burdensome document requests. We do not understand the need for another duplicative document request. We therefore do not intend to go through the burdensome process of either re-producing documents tomorrow or determining if there are some documents for tomorrow that fall outside the scope of prior document requests. Big Ox is committed to cooperating with EPA and has been doing so. To the extent

documents have not been produced, we will produce them in accordance with the procedure of the EPA information requests. You did not today identify any emergent need for certain types of documents to be produced tomorrow and only said that the inspector is requesting them since that is part of the inspection process.

Jon

Jonathan Cooperman

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From: Nazar, Kristen [<mailto:Nazar.Kristen@epa.gov>]
Sent: Tuesday, February 14, 2017 5:14 PM
To: Wilmarth, Catherine <CWilmarth@KelleyDrye.com>
Cc: Cooperman, Jonathan <JCooperman@KelleyDrye.com>; Guerry, William M. <WGuerry@KelleyDrye.com>; Hoefer, David <Hoefer.David@epa.gov>
Subject: RE: EPA Inspection Start Time of 9AM for Big Ox

Catherine, John, and Bill,

Thank you for speaking with me today regarding an upcoming inspection of the Big Ox facility and other issues related to Big Ox. On today's call, it was discussed that EPA inspectors would conduct an inspection at the Big Ox facility tomorrow morning, February 15th, at 8 a.m. In a follow-up email, you requested the inspection occur at 9am given company personnel's flight schedules. That is acceptable to EPA.

On today's call, we discussed what you feel to be the duplicative nature of EPA's information requests, including the document list provided by EPA inspector Dave Hensley on Monday, February 13th. During our call, I stated Dave would conduct his inspection pursuant to his typical inspection process and that list was part of his inspection process. Mr. Hensley would be happy to provide additional information or explanation regarding the documents on that list to help ensure there is a mutual understanding of the information being sought. Mr. Hensley is aware that facility personnel may state certain documents have already been provided to EPA, etc. This inspection will also include working with facility personnel on an examination and understanding of the facility and process equipment, as well as air monitoring that will be conducted by EPA Inspector Sean Bergin.

On today's call, we also discussed that Big Ox would like a copy of air monitoring results previously collected by EPA at the facility. My understanding is that that information is currently undergoing the QA/QC process and will be provided to Big Ox. We also discussed that Big Ox would like to schedule a meeting with EPA enforcement personnel. My understanding is a letter will go out today or tomorrow proposing a meeting between Big Ox, EPA, and the State of Nebraska in the near future.

Once again, thank you for working with me regarding access to the facility. Please give me a call if you have any questions going forward.

Thank you,

Kristen Nazar
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From: Wilmarth, Catherine [<mailto:CWilmarth@KelleyDrye.com>]
Sent: Tuesday, February 14, 2017 3:28 PM
To: Nazar, Kristen <Nazar.Kristen@epa.gov>
Cc: Cooperman, Jonathan <JCooperman@KelleyDrye.com>; Guerry, William M. <WGuerry@KelleyDrye.com>
Subject: EPA Inspection Start Time of 9AM for Big Ox

Hello Kristen,

Thank you for your call earlier this afternoon. We've reached out to the critical Big Ox staff, whose flight will be arriving tomorrow morning and so will not be present at 8am when EPA requested the inspection start. Instead, we ask that EPA begin the inspection at 9am, giving important managers an opportunity to arrive. Please let us know if you have any questions.

Thank you,
Catherine

KELLEY
DRYE

Catherine Wilmarth

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